

NAYS—1.

Kleberg.

Bill read third time and passed:

On motion of Senator Farrar,

Senators Gibbs, Harris and Cooper, the committee created by a resolution of several days since, were excused for the afternoon for the purpose of visiting and inspecting the Deaf and Dumb Asylum.

The President laid before the Senate House bill No. 1, entitled "An act to amend article 4662, chapter 1, title 95, of the Revised Statutes, as amended and approved May 4, A. D. 1882, and to amend articles 4666 and 4668, chapter 1, title 95, of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution."

Bill read second time.

Senator Houston offered the following:

Amend the first Committee amendment by striking out 22½ cents and insert 20 cents.

Senator Jones offered the following substitute for the amendment and committee amendment:

Amend first committee amendment by striking out 22 1-2 and inserting 25.

Amendment to lie on the table.

On motion of Senator Houston,

The Senate adjourned till 10 o'clock to-morrow morning.

TWENTY-SECOND DAY.

SENATE CHAMBER,

AUSTIN, TEXAS, February 1, 1884.

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg,

The reading of yesterday's journal was dispensed with, and

The journal was adopted.

Senator Patton, by request, presented a petition from the citizens of Clay county, praying for first-class roads from county seat to county seat, and prohibiting gates on all roads.

Referred to Committee on Roads, Bridges and Ferries.

Senator Gooch presented a memorial from W. M. Davis, of Van Zandt county, urging the organization of the medical branch of the University of the State.

Referred to Committee on Education,

Senator Perry, chairman of Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM,

AUSTIN, February 1, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred the substitute for House bills Nos. 16, 41 and 69, entitled "An act to provide for the erection of gates into, and opening ways through, enclosed lands in this State, for the use of the public," have carefully examined the same and a majority of said committee instruct me to report the same back, with the recommendation that it lay on the table, for the reason that the matters contained in said bills have been pro-

vided for in other bills which have passed the Senate.

All of which is respectfully submitted.

FERRY, Chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 1, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 13, entitled "An act to amend article 4389, of the Revised Civil Statutes of the State of Texas, adopted February 21, 1879, and to provide for the removal of obstructions from public roads," have examined the same and a majority of said committee instruct me to report the same back, with the recommendation that it do not pass, for the reason that the matters referred to in said bill are provided for in other bills now before the Senate.

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

Senator Harris, chairman of the Committee on Judicial Districts, submitted the following reports:

COMMITTEE ROOM,

AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute for House bills Nos. 56 and 67, entitled "An act to amend sections 31 and 38 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 31, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute for House bills Nos. 86, 89 and 93, entitled "An act to amend sections 5, 7, 26 and 39 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

The President gave notice of signing House bill No. 11, "An act to amend article 413, chapter 2, title 13, of an act entitled 'an act to adopt and establish the Penal Code of the State of Texas,' passed February 21, 1879, and to repeal all laws in conflict therewith."

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

AUSTIN, January 31, 1884.

Hon. Marion Martin, President of the Senate:

I am directed to inform the Senate that the House has refused to concur in Senate amendments to substitute House bills Nos. 50 and 84, "An act to prohibit the unlawful fencing or enclosing or keeping enclosed of the lands of another, and of the public school, university and asylum lands of the State of Texas, and to provide a penalty therefor."

The bill, with amendments, is herewith returned.

J. W. BOOTH, Chief Clerk.

Senator Matlock moved that the Senate insist on its amendments, and ask for a free conference committee.

Adopted.

Senator Stratton offered the following resolution, accompanied with these remarks:

Mr. President: It is not my purpose to say anything upon the life and character of the dead, whose memory the resolutions I now introduce is intended to perpetuate, but simply to announce that the sad task of speaking of the life and services of Col. William Fitzhugh has been assigned to the Senator from Parker, who has known the deceased so long and intimately through many of the years of his gallant, charitable, and honorable life.

WHEREAS, The Senate has learned, with deep regret, of the death of Col. Wm. Fitzhugh, door-keeper of the Senate, which occurred since the adjournment of the regular session of the Eighteenth Legislature; and

WHEREAS, The deceased was long connected with the Legislatures of this State as an officer, and has faithfully served his State and country in all the wars from the Indian war in Florida to, and including, the war between the States. Beginning as a private soldier, he rose by his patriotism, his unflinching courage upon the field, his patient endurance of the labor of the camp and the fatigue of the march, to the rank of colonel, possessing in every grade, and at all times, the esteem of his comrades; now therefore, be it

Resolved by the Senate, That in the death of Col. Wm. Fitzhugh, the Senate has lost a faithful officer, one who possessed our confidence and esteem, and the State an honorable citizen.

Be it further resolved, As an additional mark of respect for the deceased, that a page of our journal be set apart as a memorial page, to be inscribed with his name and rank, the date and place of his birth, and the date and place of his death, and that the Secretary of the Senate furnish the family of the deceased with a copy of these resolutions.

Senator Shannon addressed the Senate on the resolution of follows:

MR. PRESIDENT: Col. Wm. Fitzhugh was a native of the State of Kentucky, was born, I think, in 1818, and in his early youth, with his parents, emigrated to the State of Missouri. He was a boy soldier in the Florida war, and participated in the decisive battle of Okeechoba. He was also an active participant in what is known in "missionary history" as the "Mormon war," which resulted in the expulsion of that sect from within the borders of the State.

In 1845 he came to Texas, and in 1846 he joined his fortunes with those of that band of Texas heroes, who, under the leadership of the immortal Hays, bore, in triumph, the stars and stripes across the plains of Mexico.

From the close of the Mexican war down to the beginning of the war between the States, as a result of his natural love of adventure, Col. Fitzhugh was engaged almost continuously in the struggle which was being carried on on the borders of our State between the advancing lines of civilization and the Indian tribes, winning by his conduct on all occasions the universal esteem of those with whom he was associated.

When the "war between the States" began, true to his soldier instincts and his devotion to the cause of his beloved Southland, he was among the very first to respond to duty's call. He volunteered as a private soldier, but of course those who knew him, and by whom he was surrounded, would not permit him long to serve in so humble a position. He was

promoted to the rank of colonel, and commanded with distinction the regiment at the head of which he followed the varied fortunes of the "stars and bars" until, at Appomattox, the sun of the Confederacy went down in blood, though shining still, and still to shine forever in the glowing pages of heroic history.

The war over, Col. Fitzhugh, battle-marked and broken in fortune returned to his home in Collin county. In 1875 he was elected to the position of and served as doorkeeper to the State constitutional convention. He was also the chosen doorkeeper to the Senate of the fifteenth, sixteenth, seventeenth, and eighteenth Legislatures, serving all the time with satisfaction to the Senators and credit to himself. Personally, I have known him a long time. I came to Texas in 1853. In the early part of that year I first made his acquaintance. He took me with him to his home, where I was first made to realize that genuine hospitality, that big hearted liberality and devoted fidelity to his friends which were the marked characteristics of the man through life. I knew him as a soldier; he was brave in battle. I knew him as a citizen; he was honest, true and faithful. As a husband and a father, he was loving, kind, devoted and indulgent. He was always ready to forgive those who did him wrong; and as a friend, William Fitzhugh was as true as steel.

He had a hand ever ready to bestow charity upon the needy, a tear to shed with the sorrowing and bereaved, a heart not contracted by avarice or selfishness, but large enough to embrace the whole human family. His faults were so few, and his virtues so many, that when a fault he did commit, it, like "Uncle Toby's oath," had a tear from the recording angel dropped upon it that blotted it out forever. But the hand that extended charity now lies immovable by his side; the eye that shed tears with those that were sorrowing is now dimmed, the warm and generous heart that once beat with the noblest human impulses is now stilled forever. Though dead, he yet lives, and is cherished in the memory of all who knew him. Let us hope that when his spirit winged its flight to the world beyond, he was welcomed by an angel choir to that eternal felicity which is the reward of those who have been noble and true and generous on earth.

Senator Houston moved the adoption of the resolution by an aye and no vote, and that the remarks of Senator Shannon be spread upon the journals.

Unanimously adopted by the following vote:

YEAS—29.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Houston,	Pfeuffer,
Cooper,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Jones,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.
Gibbs,	Patton,	

NAYS—none.

Which embraced every Senator present.

TO THE MEMORY

OF

Colonel William Fitzhugh,

DOORKEEPER OF THE SENATE

OF THE

Fifteenth, Sixteenth, Seventeenth and Eighteenth Legislatures, and of the Constitutional Convention of 1875,

THIS PAGE IS INSCRIBED BY ORDER OF THE SENATE.

He was a private soldier in the Florida War, the Mormon War in Missouri, the Mexican War, and several Indian campaigns on the Texas Frontier. He was Captain of Texas Rangers, and a Colonel in the Confederate Army.

BORN IN KENTUCKY IN 1818, AND DIED IN COLLIN COUNTY, TEXAS, IN 1888,

BEING 65 YEARS OF AGE.

Senator Matlock moved that the substitute for House bills Nos. 50 and 84 be printed in the journal of to-day.

Adopted.

Said bill is as follows:

An act to be entitled an act to prohibit unlawful fencing or enclosing or keeping enclosed of the lands of another and of the public school, university and asylum lands of the State of Texas, and to provide a penalty therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That if any person shall knowingly make, or permit to remain standing, any fence on or around the lands of another, without the written consent of the owner thereof, duly acknowledged and duly recorded in the county where the land lies, or to which it is attached for judicial purposes, he shall be deemed guilty of a misdemeanor, and upon conviction therefor fined in any sum not less than fifty cents, nor more than one dollar per acre per month for each month so enclosed, or fined and imprisoned in the county jail for any period not over two years. Half of all the fines collected under the provisions of this act shall be paid to the person or persons informing on the person who shall unlawfully enclose any land; provided, that each three months said land is so enclosed shall constitute a separate offense. A fence, within the meaning of this act, is any structure of wood, wire, or both, or any other material intended to prevent the passage of cattle, horses, mules, asses, sheep, goats or hogs. Within the meaning of persons, as used in this act, is included every man managing or controlling for a corporation, firm or joint stock company, and any and every individual or person who shall aid, assist or direct in the violation of this act.

SEC. 2. All persons who have already fenced lands within the prohibition of section 1 of this act, shall have six months from and after the time this act goes into effect to conform to the provisions thereof; provided, that the provisions of this act shall not apply to any person or corporation who has heretofore or may hereafter in good faith fence land not their own.

SEC. 3. This act shall not apply to persons who may be settled upon land not their own, when the principal pursuit of such person is that of agriculture.

SEC. 4. That any person enclosing the unoccupied lands of another, may avoid the penalties of this act by depositing, for the benefit of the owner of such land, with the State Treasurer the sum of ten cents per acre for each tract so enclosed, for each year or fraction of a year the same is enclosed; provided, the person so fencing either owns or legally controls the lands surrounding the land of another so enclosed.

SEC. 5. That any person at the time of so enclosing the land of another without legal or equitable right thereto, may exempt himself from all the penalties and liabilities of this act, by constructing a fence upon his own land entirely around the land so enclosed of another, thus segregating from his pasture the said land of another, and by giving him ingress and egress through and over his said pasture with as many as four gates at such points on both fences as may be indicated by the person having his land so enclosed; and provided, that this act shall not apply to enclosures of two hundred acres or less, nor in cases of disputed lines of adjoining surveys.

SEC. 6. That it shall be unlawful for any person, firm or corporation to fence, or aid in fencing, or cause to be fenced, any school, university or asylum lands, within this State, unless the same shall have been first leased from the State.

SEC. 7. It shall be unlawful for any person, firm or corporation to herd, or aid in herding, or cause to be herded, loose herded, or detained for grazing, any cattle, horses or sheep on any school, university or asylum lands within this State, unless the same shall have been leased from the State.

SEC. 8. Any person who shall knowingly violate any of the provisions in sections 4 or 5 of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined one hundred dollars for each year, or part of a year, for each section, or part of a section (meaning each six hundred and forty acres of land or less, whether surveyed in sections or not), which shall be used or trespassed upon contrary to the provisions of this act.

SEC. 9. The owner of the cattle, horses or sheep shall be liable to the State in the sum of one hundred dollars for each year, or part of a year, for each six hundred and forty acres of land that may be used or trespassed upon, contrary to the provisions of this act, which may be recovered in a civil action, without affecting the criminal prosecutions prescribed herein.

SEC. 10. Where such unleased land is now fenced, or herded upon, contrary to the provisions of this act, it shall be a bar to the criminal and civil prosecution hereinbefore provided for any violation prior to January 1, A. D. 1885, if the violator of this act, or the owner of the cattle, horses or sheep, shall, prior to the first day of September, A. D. 1884, pay into the State treasury thirty-two dollars for each section of six hundred and forty acres (or tract of less size) used contrary to this act, for the benefit of the fund to which the land belongs.

SEC. 11. The State Land Board shall make suitable rules and regulations, and appoint agents to protect the interest of the State in matters arising under this act.

SEC. 12. The Governor is authorized, and it is made his duty, to employ all means which he may think proper and necessary to ascertain all infractions of this act in the unorganized counties, with a view to the enforcement of this act; and, to enable him to secure the enforcement of this act, in such unorganized counties, the sum of ten thousand dollars is hereby appropriated out of the money arising from the lease of lands mentioned in this act.

SEC. 13. In all prosecutions under this act the provisions of articles 699 and 700 of the Penal Code of the State of Texas shall apply.

SEC. 14. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

SEC. 15. The fact that there is no law making it penal to fence the lands of another, or the lands of the State, and that large quantities of land are so fenced, creates an imperative public necessity that the rule requiring bills to be read on three separate days shall be suspended, and that this act shall take effect from and after its passage; and it is so enacted.

Senator Collins moved that Senate bill No. 66, "An act to control and dispose of all lands heretofore or hereafter surveyed and set apart for the benefit of the common school fund, save and except the land thereof classed as timbered," which is the special order pending, be taken up.

Withdrawn.

Senator Houston moved to suspend the regular order of business and take up House bills Nos. 56 and 57, a bill to be entitled "An act to amend sections 31 and 38 of 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," reported this morning from committee.

Adopted.

Senator Houston moved to suspend the rules and place the bill on its second reading.

Adopted by the following vote:

YEAS—24.

Collins,	Gooch,	Matlock,
Cooper,	Harris,	Patton,
Evans,	Houston,	Peacock,
Farrar,	Johnson of Collin,	Perry,
Fleming,	Johnston of Shelby,	Pope,
Fowler,	Jones,	Shannon,
Getzendaner,	Kleberg,	Stratton,
Gibbs,	Martin,	Traylor.

NAYS—none.

Bill read second time, and

Passed to third reading.

On motion of Senator Houston,

The rule was suspended, and

Bill placed on its third reading by the following vote:

YEAS—26.

Buchanan,	Cooper,	Fowler,
Chesley,	Evans,	Getzendaner,
Collins,	Farrar,	Gibbs,

Harris, Houston, Johnson of Collin, Johnston of Shelby, Kleberg, Martin,	Matlock, Patton, Peacock, Perry, Pfeuffer, Pope,	Randolph, Shannon, Stratton, Terrell, Traylor.
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NAYS—none.

Bill read third time and passed.

Senator Harris moved to suspend the regular order of business and take up substitute for House bills Nos. 86, 89, and 93, "An act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883."

Adopted, and bill taken up.

Senator Houston moved to suspend the constitutional rule to place bill on its second reading.

Adopted by the following vote:

YEAS—21.

Buchanan, Collins, Cooper, Evans, Fleming, Fowler, Getzendaner,	Gibbs, Gooch, Harris, Johnson of Collin, Johnston of Shelby, Kleberg, Martin,	Matlock, Patton, Perry, Pfeuffer, Pope, Stratton, Traylor.
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NAYS—none.

Read second time, and

Passed to third reading.

Senator Houston moved to suspend the constitutional rule to place the bill on its third reading.

Adopted by the following vote:

YEAS—24.

Buchanan, Chelsey, Collins, Cooper, Evans, Farrar, Fowler, Getzendaner,	Gibbs, Harris, Houston, Johnson of Collin, Johnston of Shelby, Kleberg, Patton, Peacock,	Perry, Pfeuffer, Pope, Randolph, Shannon, Stratton, Terrell, Traylor.
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NAYS—none.

Bill read third time and passed.

The President appointed Senators Matlock, Gooch and Traylor as a free conference committee to act with a like committee from the House to settle differences between the two Houses on substitute House bills Nos. 50 and 84.

Senator Pfeuffer moved to suspend the regular order of business and take up House bill No. 1, entitled "An act to amend article 4662, chapter 1, title 95, of the Revised Statutes, as amended and approved May 4, A. D. 1882, and to amend articles 4666 and 4668, chapter 1, title 95, of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution."

Lost.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 1, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 42, being "An act requiring a gateway in every three miles of fencing," and find the same correctly engrossed.

All of which is respectfully submitted.

MARTIN, Chairman.

Senator Collins renewed his motion to take up House bill No. 66, "An act to control and dispose of all lands," etc., which is the special order, the pending motion being the motion of Senator Chesley to reconsider the vote by which said bill was ordered engrossed, and also the vote by which the substitute of Senator Chesley was lost.

Adopted, and

The bill was taken up.

Motion of Senator Chesley to reconsider adopted by the following vote:

YEAS—18.

Chesley, Collins, Cooper, Evans, Farrar, Fleming,	Getzendaner, Gibbs, Houston, Johnson of Collin, Kleberg, Matlock,	Patton, Peacock, Pope, Shannon, Terrell, Traylor.
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NAYS—6.

Fowler, Harris,	Johnston of Shelby, Martin,	Perry, Randolph.
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Senator Shannon offered the following amendments:

In section 3, line 2, between the words "State and to," insert "except lands classed as timbered lands."

Adopted.

In section 4, line 1, between the words "of" and "lands," insert "said school;" and in line 5 strike out "four" and insert "five."

Adopted.

On page 4, section 6, line 8, strike out the words "said surveyor" and insert "the State Treasurer;" and in line 11, same section, strike out the words "in the month of January" and insert "on or before the first day of March."

Adopted.

In section 8, lines 7 and 8, strike out the words "and superintendent," and insert the words "the Commissioner of the General Land Office."

Adopted.

In section 12, lines 6 and 7, strike out the words "being grazed upon by the stock of," and insert "is being loose herded upon or stock is being held thereon for grazing purposes by;" and in section 13, in line 2, strike out "knowingly permits his animal or animals to graze," and insert "herds, loose herds, or holds for grazing purposes his stock."

Adopted.

In section 14, line 4, between the words "the" and "to," strike out the word "superintendent," and insert "Commissioner of the General Land Office or some other suitable person;" and in line 7, same section, between the words "the" and "shall," strike out the word "superintendent," and insert "Commissioner of the General Land Office or such other suitable person."

Adopted.

Strike out section 9 as printed, and conform the numbers of the following sections thereto.

Adopted.

Amend section 3, line 15, strike out "five" and insert "ten."

Adopted.

Strike out, in section 12, all after the word "law," in line 8.

Adopted.

Senator Terrell offered the following amendment:

Add to section 12, "being loose herded within the meaning of this act, which is held on any territory by reason of line or side riders above drift or other fences or elsewhere."

Adopted.

Senator Matlock offered the following amendment:

In section 4, line 2, strike out "ten nor more than fifteen," and insert "five nor more than ten."

Adopted.

Add to section 13, "provided, that this act shall not apply to persons driving their cattle to their ranges, or to and from market, without unreasonable delay."

Adopted.

Senator Peacock moved to reconsider the vote by which section 9 was stricken out.

Adopted by the following vote:

YEAS—22.

Buchanan,	Houston,	Pfeuffer,
Chesley,	Johnson of Collin,	Pope,
Cooper,	Johnston of Shelby,	Randolph,
Farrar,	Jones,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Patton,	Terrell,
Gibbs,	Perry,	Traylor.
Harris,		

NAYS—5.

Collins,	Getzendaner,	Peacock.
Evans,	Matlock,	

Senator Peacock offered the following amendment:

Strike out all in lines 4 and 5 down to and including the word "lands," and insert the following:

Provided, that any person who resides within an enclosure on the first day of January, 1884, upon lands owned or leased by him, shall have the right to compete with the pasture owner for the lease of any of said land.

Lost by the following vote:

YEAS—13.

Buchanan,	Getzendaner,	Peacock,
Chesley,	Harris,	Stratton.
Collins,	Johnston of Shelby,	Terrell,
Cooper,	Matlock,	Traylor.
Evans,		

NAYS—14.

Farrar,	Johnson of Collin,	Pfeuffer,
Fowler,	Jones,	Pope,
Gibbs,	Kleberg,	Randolph,
Gooch,	Martin,	Shannon.
Houston,	Perry,	

Senator Matlock offered the following amendment:

SEC. 9. If any person shall lease any of the land enclosed by another within a pasture, under the provisions of this act, he shall pay the owner of said fence a proportionate amount of the costs of the construction of said fence, in proportion to the land leased by him in said pasture.

Lost by the following vote:

YEAS—11.

Collins,	Johnson of Collin,	Pope,
Farrar,	Johnston of Shelby,	Shannon,
Getzendaner,	Matlock,	Stratton.
Gibbs,	Perry,	

NAYS—14.

Buchanan,	Gooch,	Pfeuffer,
Chesley,	Harris,	Randolph,
Cooper,	Houston,	Terrell,
Evans,	Kleberg,	Traylor.
Fowler,	Patton,	

Senator Traylor offered the following amendment:

In section 5, line 2, strike out "two dollars for each section" and insert "fifty cents for each section."

Lost by the following vote:

YEAS—13.

Chesley,	Harris,	Randolph,
Cooper,	Johnson of Collin,	Stratton,
Evans,	Johnston of Shelby,	Terrell,
Farrar,	Matlock,	Traylor.
Fleming,		

NAYS—14.

Buchanan,	Gooch,	Perry,
Collins,	Houston,	Pfeuffer,
Fowler,	Jones,	Pope,
Getzendaner,	Kleberg,	Shannon.
Gibbs,	Patton,	

Senator Stratton offered the following amendment:

SECTION 9. If any person shall lease the whole of any of said lands enclosed in the pasture of another, or if he leases a part of the same, unless he should enclose the land so leased in a separate enclosure, he shall pay to the owner of said fence a proportionate amount of the value of said fence in proportion to the amount of land leased by him.

Senator Pope moved the previous question on the amendment and the engrossment of the bill.

Motion seconded, and

Main question was ordered.

Senator Stratton's amendment was lost by the following vote:

YEAS—10.

Collins,	Getzendaner,	Matlock,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Johnston of Shelby,	Stratton.
Fleming,		

NAYS—16.

Buchanan,	Harris,	Perry,
Chesley,	Houston,	Pfeuffer,
Cooper,	Jones,	Pope,
Fowler,	Kleberg,	Randolph,
Gibbs,	Patton,	Traylor.
Gooch,		

The question then being on the adoption of the substitute of Senator Chesley,

The substitute was lost by the following vote:

YEAS—5.

Chesley,	Harris,	Stratton.
Gooch,	Johnston of Shelby,	

NAYS—19.

Collins,	Gibbs,	Patton,
Cooper,	Houston,	Perry,
Evans,	Johnson of Collin,	Pfeuffer,
Farrar,	Jones,	Pope,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Traylor.
Getzendaner,		

Senators Matlock and Terrell were paired on this question.

The former would have voted "no," and the latter "aye."

The bill was ordered engrossed.

On motion of Senator Matlock,

The rules were suspended, and

Bill placed on its third reading by the following vote:

YEAS—19.

Collins,	Houston,	Patton,
Cooper,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Farrar,	Jones,	Pope,
Fowler,	Kleberg,	Shannon,
Getzendaner,	Martin,	Stratton.
Gibbs,		

NAYS—2.

Fleming, Harris.

Bill read the third time, and

Passed by the following vote:

YEAS—19.

Collins,	Johnson of Collin,	Pfeuffer,
Evans,	Jones,	Pope,
Farrar,	Kleberg,	Randolph,
Fowler,	Matlock,	Shannon,
Getzendaner,	Patton,	Stratton,
Gibbs,	Perry,	Traylor.
Gooch,		

NAYS—5.

Chesley, Harris, Terrell,
Fleming, Johnston of Shelby,

The following reasons for voting against the passage of the bill were entered on the journal:

I vote against this bill—

1. Because it authorizes the lease of school lands and lands belonging to other trust funds in unlimited quantities, which will prevent the settlement of that portion of the State in which said lands are situated.

2. And, also, because if leased in large quantities, say of 100 sections or more, many good people who are too poor to lease lands in such large quantities will be driven from the country and be prevented from securing range for their small stocks of cattle and homes for their families.

3. There is, in fact, no difference in leasing lands in large quantities for a long period of time and in selling the land in unlimited quantity. The effect will be the same in either event. The tide of population will be turned from this to other States. There will be no churches and no schools, no towns and cities. The school land will be worth less ten years from to-day than it is now. A large portion of the State will be turned over to a few cattle men and their cattle. I believe the land was made for people and not for cattle. Desolation will reign supreme over that country for all time. It is against the best policy of this State, against the interest of the school fund and against sound statesmanship, to either lease or sell these lands in larger quantities than 640 acres, and then only to actual settlers, who should be required to live on the land for at least three years before they will be permitted to transfer the same.

4. The leasing of lands in unlimited quantities is but a continuance of that short-sighted policy that has permitted individuals to buy up and fence in whole counties, which is now the main source of all the troubles with which the country is afflicted.

5. Because the bill, instead of regulating the sale and lease of these lands, delegates that power to the land board, giving that board the authority from time to time to make rules and regulations which they may change at any time, thus encouraging a fluctuating policy that will never be understood by the people, and which will operate to the advantage of speculators and against the interest of the people.

6. Section 13 of the bill makes it a misdemeanor for any person to knowingly permit any animal to graze upon any

unleased school land. This is one of the main features of the Terrell bill, which sought by penal statutes to force people to lease the public lands of the State before they had ever had an opportunity to do so. I do not approve of the policy of enforcing sales or leases of school or public lands by penal statutes. It has never been done in any civilized country, so far as I know.

I repeat, I am opposed to leasing or selling these lands, except to actual settlers in small tracts.

J. R. FLEMING.

On motion of Senator Gibbs,

The unfinished business was suspended, to take up Senate bill No. 46, "An act to authorize the several commissioners' courts of this State to provide for more than four terms of the county courts annually for the transaction of civil and criminal business."

Bill read the second time.

Senator Gibbs offered the following amendment to the committee amendment:

Amend by adding section 2:

SEC. 2. Said court shall dispose of probate business, either in term time or vacation, under such regulations and at such times as may be designated by order of the county judge entered on the minutes of the court. So much of each term of the court shall be devoted to criminal business and so much to civil business as may be determined by an order of the county judge entered on the minutes of the court within the first three days of such term, or as may be provided for by the commissioners' court in fixing the terms.

Lost, and

The committee amendment adopted.

Senator Chesley offered the following amendment:

Amend section 1, line 8, by inserting the after the word "court," the words "nor times of holding the same."

Lost.

Senator Traylor offered the following amendment:

SEC. 3. The near approach of the close of the session rendering it improbable that this bill will pass in the usual course of legislation creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days; and it is so suspended.

Adopted.

Senator Gooch offered the following amendment:

Amend, in section 1, line 4, by inserting after the words "transaction of civil and criminal business," the words "and fix the times at which each of the four terms required by the Constitution, and the terms exceeding four, if any, shall be held."

Adopted.

Senator Pope offered the following amendment:

Amend section 1, line 2, by adding after the word "may," the words "at a regular term thereof."

Adopted.

Senator Martin offered the following amendment:

In section 1, line 4, after the word "criminal," insert the words "and probate."

Adopted, and

Bill ordered engrossed.

On motion of Senator Farrar,

The rules were suspended, and

The bill was placed on its third reading by the following vote:

YEAS—23.

Chesley,	Getzendaner,	Kleberg,
Evans,	Gibbs,	Martin,
Farrar,	Gooch,	Matlock,
Fleming,	Johnson of Collin,	Patton,
Fowler,	Jones,	Peacock,

Perry,
Pfeuffer,
Pope,

Randolph,
Shannon,
Stratton,

Terrell,
Traylor.

NAYS—none.

Bill read third time and passed.

On motion of Senator Fleming,

The regular order of business was suspended, and Senate bill No. 61, "An act to authorize towns and villages incorporated for free school purposes only, to issue bonds for the purpose of purchasing sites and erecting school houses thereon within the limits of such incorporated town or village, and to levy a tax to pay the same," was taken up.

Bill read second time.

Senator Fleming offered the following amendment:

In section 1, line 2, after the word "erecting," add "school houses."

Adopted.

Senator Matlock offered the following amendment:

SEC. 8. The near approach of the close of the present session of the Legislature creates an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Adopted.

Senator Terrell offered the following amendment:

Amend section 1: Insert "property tax paying" after the word "qualified," in line 12, section 1.

Adopted.

Senator Getzendaner offered the following amendment:

Amend by striking out all in the bill that authorizes the issuance of bonds to purchase building sites.

Adopted.

Senator Buchanan offered the following amendment:

Amend by inserting, before the word "any," in line 3, page 1 of the printed bill, the following: "city or town incorporated under any special law or."

Adopted.

Also the following:

After the word "authorize," in caption, insert the following: "cities and towns incorporated under special laws and."

Adopted.

Also the following:

Insert the word "city" before the word "town," wherever it occurs in the bill after line 3, page 1 of the printed bill.

Adopted.

Senator Matlock offered the following amendment:

Strike out of the caption the following words: "purchasing one or more sites or;" and in section 1, after the word "erecting," strike out all down to "school," in line 3.

Adopted.

Senator Getzendaner offered the following amendment:

Amend section 1, line 17, by striking out "qualified electors" and inserting "freeholders."

Adopted, and

The bill was ordered engrossed.

On motion of Senator Matlock,
The rules were suspended to place the bill on its third reading by the following vote:

YEAS—18.

Buchanan,
Chesley,
Collins,
Evans,
Farrar,
Fleming,

Fowler,
Gibbs,
Gooch,
Houston,
Johnson of Collin,
Jones,

Kleberg,
Matlock,
Randolph,
Shannon,
Stratton,
Traylor.

NAYS—4.

Getzendaner,
Harris,

Perry,

Terrell.

Bill read third time and passed.

Senator Getzendaner moved to suspend the regular order of business and take up substitutes for Senate bills Nos. 12 and 17.

Senator Pfeuffer moved to substitute for the pending motion the motion to take up the unfinished business of yesterday, the tax bill.

On motion of Senator Terrell,

The Senate adjourned till 3 o'clock this evening.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 1, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 98, entitled "An act to amend chapter 9, section 1, of an act passed at the regular session of the Seventeenth Legislature, authorizing county commissioners' courts to issue bonds for the erection of courthouses, approved February 11, 1881, so as to include jail bonds," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PATTON, Chairman.

Senator Pfeuffer called up House bill No. 1, known as the tax bill, that being the unfinished business of yesterday.

Senator Peacock moved to postpone the pending business and take up substitute for Senate bill No. 51, "An act to validate certain purchasers of public school lands made by clerks in the General Land Office."

Adopted.

Bill taken up and read second time, and ordered engrossed.

Senator Peacock moved to suspend the constitutional rule and place the bill on its third reading.

Pending remarks of Senator Pfeuffer,

Senator Peacock raised the point of order that the bill was not before the Senate,

Which cut off debate.

Point of order sustained.

Motion of Senator Peacock adopted, and

The rules suspended by the following vote:

YEAS—22.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Pope,
Collins,	Houston,	Randolph,
Cooper,	Johnston of Shelby,	Shannon,
Evans,	Jones,	Stratton,
Farrar,	Matlock,	Terrell,
Fowler,	Patton,	Traylor.
Getzendaner,		

NAYS—5.

Johnson of Collin,	Martin,	Pfeuffer.
Kleburg,	Perry,	

Bill read the third time, and
Passed by the following vote:

YEAS—19.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Collins,	Houston,	Shannon,
Cooper,	Johnston of Shelby,	Stratton,
Farrar,	Jones,	Terrell,
Fowler,	Matlock,	Traylor.
Getzendaner,		

NAYS—6.

Evans,	Kleberg,	Perry,
Johnson of Collin,	Martin,	Pfeuffer.

Senator Evans requested the following reasons printed in the journal, for casting his vote against substitute Senate bill No. 51:

I vote "no." because I believe if the bill is passed that the law would be unconstitutional.

2. Because the bill proposes to exempt a few from the effect of a law that has been in force for a year, and would, if passed into a law, be class legislation.

3. Because I do not believe that it is right to enforce the law against the masses in general, and exempt a few.

The President laid before the Senate House bill No. 28, "An act to amend article 4360, title 87, chapter 1, providing for the establishment of public roads, and to prohibit commissioners' courts from altering or changing public roads, except for the purpose of straightening them and placing them on better ground and shortening the distance from the point of beginning to the point of destination, and to repeal all laws in conflict with this act."

Senator Getzendaner moved that the Senate recede from its second amendment to said bill.

Adopted.

The President laid before the Senate House bill No. 1, tax bill, being the unfinished business pending on adjournment yesterday.

Senator Martin, Chairman of Committee on Engrossed Bills, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 30, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 51, being "An act to validate certain purchases of public school lands made by clerks in the General Land Office," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 1, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute Senate bill No. 46, being "An act to

authorize the several county commissioners' courts of this State to provide for more than four terms of the county court annually for the transaction of civil and criminal business," and find the same correctly engrossed.

MARTIN, Chairman.

The following amendment of Senator Houston to the first committee amendment to House bill No. 1 was the pending amendment on adjournment yesterday:

Amend the first committee amendment by striking out "twenty-two and a half cents" and insert "twenty cents."

Lost by the following vote:

YEAS—11.

Cooper,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Fleming,	Martin,	Stratton.
Houston,	Patton,	

NAYS—15.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Pope,
Collins,	Jones,	Randolph,
Fowler,	Kleberg,	Terrell,
Getzendaner,	Matlock,	Traylor.

Senator Jones offered the following substitute for the first committee amendment:

Amend by striking out "twenty-two and a half" and inserting "twenty-five."

Lost by the following vote:

YEAS—6.

Harris,	Kleberg,	Terrell,
Jones,	Perry,	Traylor.

NAYS—14.

Buchanan,	Getzendaner,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Houston,	Pfeuffer,
Cooper,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Fleming,	Martin,	Stratton.
Fowler,	Matlock,	

Senator Johnson of Collin offered the following amendment to the first committee amendment:

Strike out "twenty-two and a half cents," and insert "fifteen cents."

Lost by the following vote:

YEAS—9.

Evans,	Johnson of Collin,	Pope,
Fleming,	Johnston of Shelby,	Stratton,
Houston,	Perry,	Terrell.

NAYS—16.

Buchanan,	Gooch,	Matlock,
Chesley,	Harris,	Peacock,
Collins,	Jones,	Pfeuffer,
Cooper,	Kleberg,	Randolph,
Fowler,	Martin,	Traylor.
Getzendaner,		

Senator Terrell requested the following reasons to be printed in the journal, which explains his vote on the amendment offered by Senator Johnson of Collin, to the first committee amendment of pending bill, to fix the ad valorem State tax at fifteen cents:

I cannot get it at twenty-five cents, where it ought to be, and since the majority is determined on making a deficiency, I will make it a good one, and vote "aye."

TERRELL.

First committee amendment adopted by the following vote:

YEAS—16.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Pfeuffer,
Collins,	Jones,	Pope,
Cooper,	Kleberg,	Randolph,
Fowler,	Matlock,	Traylor.
Getzendaner,		

NAYS—0.

Evans,	Johnson of Collin,	Perry,
Fleming,	Johnston of Shelby,	Stratton,
Houston,	Martin,	Terrell.

Senator Peacock offered the following substitute for the second committee amendment:

Amend second committee amendment by striking out "ten cents" and inserting "fifteen cents."

Senator Pope moved to adjourn till 10 o'clock a. m. to-morrow.

Lost by the following vote:

YEAS—1.

Pfeuffer.

NAYS—20.

Buchanan,	Houston,	Perry,
Chesley,	Johnston of Shelby,	Pope,
Fleming,	Jones,	Randolph,
Fowler,	Kleberg,	Stratton,
Getzendaner,	Martin,	Terrell,
Gooch,	Matlock,	Traylor.
Harris,	Patton,	

The substitute of Senator Peacock was adopted by the following vote:

YEAS—19.

Buchanan,	Houston,	Patton,
Chesley,	Johnston of Shelby,	Peacock,
Collins,	Jones,	Perry,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Gooch,	Matlock,	Traylor.
Harris,		

NAYS—6.

Cooper,	Getzendaner,	Pope,
Evans,	Pfeuffer,	Randolph.

Committee amendment as substituted, adopted, and

Bill passed to its third reading.

Senator Gooch moved to suspend the constitutional rule and place the bill on its third reading.

Adopted, by the following vote:

YEAS—25.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnston of Shelby,	Pfeuffer,
Cooper,	Jones,	Pope,
Evans,	Kleburg,	Randolph,
Fleming,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor.
Gooch,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—18.

Buchanan,	Harris,	Peacock,
Chesley,	Jones,	Pfeuffer,
Collins,	Kleberg,	Pope,
Fleming,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Gooch,	Patton,	Traylor.

NAYS—7.

Cooper,	Houston,	Perry,
Evans,	Johnston of Shelby,	Randolph.
Getzendaner,		

Senator Houston requested the following reasons for voting against the passage of the bill to be printed in the journal of to-day:

I vote no, because the ad valorem tax is higher than necessary. HOUSTON.

On motion of Senator Jones,
The Senate adjourned till 10 o'clock, a. m., to-morrow.

TWENTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 2, 1884.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Stratton,

The reading of the journal of yesterday was dispensed with, and

The journal was adopted.

Senator Farrar, chairman of the committee appointed to visit and inspect the Lunatic Asylum, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

Your committee who were appointed recently under a resolution of the Senate to visit the Lunatic Asylum for the purpose of inspecting its condition and reporting thereon, have performed the duty assigned them. In company with Dr. Denton, the Superintendent, they went through all the wards of the asylum, and found them all very neat and clean. They were pleased, also, to find the unfortunate inmates well clad and their health exceptionally good. The new building, which is now completed, and used for the female inmates of the asylum, is very comfortable, and, so far as your committee are capable of determining, is well adapted to the purpose for which it was designed.

The furniture in the wards of the new building is generally new, good and substantial. The entire new building presents a cheerful and comfortable aspect; and is a vast improvement upon the old building in many respects. In a word it is a structure of which Texas may well feel proud. When the improvements upon the yard and fences, now contemplated by the Superintendent, are completed, they will add greatly to the beauty of the place selected for the location of the asylum.

Your committee were pleased to learn from the Superintendent that last year all the vegetables and forage necessary for the asylum were produced by its inmates upon the land purchased by the appropriation made at the last session of the Legislature for that purpose, and that the work performed by them contributed to the health of those who were thus employed.

If the good health and comfortable condition of the unfortunate persons confined in this asylum be any evidence of their treatment by the Superintendent, your committee feel constrained to say that the people of Texas may rest satisfied that all is being done that kindness and humanity can suggest to improve the unhappy lot of those committed to his charge.

FARRAR, Chairman.
SHANNON.

Senator Pfeuffer offered the following concurrent resolution:

"Resolution requesting our Representatives in